



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending February 17, 1996

## Garza v. DOC—GSBCA 13332-COM, Settled

In this construction delay case, the contractor/appellant declared bankruptcy on February 8, 1996. The attorney for the debtor has asserted bankruptcy's "automatic stay" as to the scheduled four day hearing starting February 27 in San Francisco. The GSBCA judge has concluded that the automatic stay does not apply to a situation such as this, where the bankrupt is suing the Government, and has ordered the hearing to commence on schedule. CLD reopened its previous settlement offer until the night of February 19, before the trial attorney was to travel to Kansas City for final trial preparations. The offer clarified that, due to tight budgets, a settlement subsequent to the 19th was likely to be thousands lower than that offered. An attorney for Garza called on Friday, February 16, 1996, and stated that the bankruptcy trustee accepted the proposed amount. A settlement agreement will be submitted to the California parties on February 20. Jeff Hughes had the case.

## Marine Research Specialists v. DOC—GAO No. 265869.1

We have received a copy of a "request for clarification" from the incumbent, asking GAO to clarify whether its recent decision recommended that the solicitation be

opened only so the successful protestor could submit a proposal; teleconferences with the incumbent's attorney and GAO. Apparently, GAO is considering the clarification request as a protest. Fred Kopatich has the matter.

## Unisys Corp. v. Dept. of Commerce

In advance of our intended request for a continuance of the trial date, the Board issued an Order on February 9, 1996, which vacated the current trial schedule, and designated September 1996 as the anticipated commencement of the trial and requested monthly reports on the progress of the litigation given the recent furloughs, weather-related office shut-downs, and uncertainties associated with agency appropriations. Terry H. Lee and Steven Carrara are the attorneys.

## Nelco Protest --GAO No. B-271067

Nelco protested NIST's award of a contract for an experienced staff to answer taxpayer telephone inquiries. to support the IRS CyberFile Taxpayer Support System. The protestor claims that it made the lower offer and that there is an appearance of a conflict of interest. The awardee intends to intervene. Catherine Shea and Cecilia Jones have the case.

## Agency Bid Protest Procedures

Alice McKenna, Jerry Walz and Mark Langstein attended a Federal Bar Association Meeting to discuss agency protest procedures. Alice and Nellie Cassels, Contract Specialist also met with officials of the Army Materiel Command Bid Protest Litigation Group[ to discuss AMC's agency-level bid protest procedures.

## NESDIS IRM Acquisition

Mark Langstein met with the Contracting Officer and program staff to discuss issues related to this approximately \$80 million acquisition which will involve procurement of between 25-40% of NESDIS' total ADP needs. We intend to use a combination of innovative procurement methods, including draft RFPs, conferences with potential offerors, pre-issuance and pre-proposal conferences and oral proposals to assure rapid placement of a quality contract.

## Adobe Acrobat Reader on Banyan

A Windows version of Acrobat Reader can be found in the ACROREAD directory/folder at PF@OGCserver1@servers. Let us know if you have any trouble.

### Actions Completed/Received during Period

	From 2/4/96	To 2/17/96
	Received	Completed
CENSUS	3	3
NIST	7	5
NOAA	13	14
Total	23	22

### Contract Law Division—Client Workload Period Ending 02/17/96

